

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL ACTION
)	NO. 08-40026-FDS
FRANK MILLER, GARY C. GITTO,)	
CHARLES N. GITTO JR., WILLIAM F.)	
DEAKIN, LOUIS J. PELLEGRINE JR.,)	
JOHN M. MORITZ JR.,)	
Defendants.)	

INITIAL STATUS REPORT
November 14, 2008

HILLMAN, M.J.

The following is an Initial Status Report to Saylor, J., to whom this case is assigned:

1. Local Rule 116.5 (A) (1) - Timing Requirements

Relief has not been requested from the otherwise applicable timing requirements imposed by L.R. 116.3.

2. Local Rule 116.5 (A) (2) - Discovery

The Defendants have not opted out of the automatic disclosure provisions of Local Rule 16.1. They represent that they are in the process of evaluating a voluminous amount of discovery material provided by the Government.

3. Local Rule 116.5 (A) (3) - Additional Discovery

The parties do anticipate providing additional discovery as a result of their future receipt of information, documents or reports of examinations or tests (i.e. expert testimony, exculpatory

evidence, Jencks Act material, cooperating witnesses, etc.).

4. Local Rule 116.5 (A) (4) - Motion Date

At this time, it is too early to determine whether a motion date needs to be established.

5. Local Rule 116.5 (A) (6) - Trial

At this time, it is too early to determine whether a trial is anticipated.

6. Local Rule 116.5 (A) (7) - Interim Status Conference

An Interim Status Conference shall be held in this case on January 21, 2009, at 2:00 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building and United States Courthouse, 595 Main Street, Worcester, Massachusetts.

7. Local Rule 116.5 (A) (5) - Excludable Time

At the request of the Government, and with consent from counsel for the Defendants, I am excluding from the provisions of the Speedy Trial Act, the period from October 15, 2008 (date of expiration of prior order of excludable time) through and including January 21, 2009 (date of the Interim Status Conference). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Wednesday, April 1, 2009.

/s/Timothy S. Hillman
TIMOTHY S. HILLMAN
MAGISTRATE JUDGE